

REMARKS

Claim 1 has been cancelled.

Claims 2-6 are new. Support for the amendments can be found throughout the originally filed specification. The detailed description of the invention, at page 5, states, “a free-burning electric arc is struck between anode and cathode . . . [for] plasma generation. Precursor materials are injected into the cathodic arc column by forced convection.” Furthermore, page 6 refers to introduction of an oxidizing gas into the plasma” and “collecting the nanostructured material by methods known to those in the art.” Page 6 also states that injecting at least one of a quench and dilution stream. . . enables additional control of the size of the nanoparticles.” Finally, originally presented claim 15 recites introducing gas into an anodic column of a transferred electric arc.

Accordingly, Applicants specification adequately supports claims 2-6.

Rejections

The Office Action rejects claim 1 under 35 U.S.C. § 112 because the specification does not allegedly enable one skilled in the art to make and use the invention commensurate in scope with the claims. Claim 1 further stands rejected under 35 U.S.C. § 102 as being anticipated by U.S. Pat. No. 5,778,738 to Pirzada (hereinafter “Pirzada”)

The Office Action rejects claim 1 because the written description portion of the specification does not allegedly enable one skilled in the art to make and use the invention commensurate in scope with the claims. Applicants have cancelled claim 1.

The Office Action also rejects claim 1 as being anticipated by Pirzada Example 5. At the outset, Applicants note that two separate reexaminations involving the subject matter claimed by the parent to the instant application were merged into Reexam Control No. 90/007,987. The papers from all pending reexaminations are cited herewith in an accompanying Information Disclosure Statement.

Pirzada does not teach or suggest “injecting a precursor material into the plasma through at least one of the anodic and cathodic columns,” as recited by independent claim 2. For this reason, independent claim 2 and all claims dependent therefrom are allowable.

CONCLUSION

For the foregoing reasons, Applicants respectfully request allowance of all pending claims at an early date. Such favorable action is earnestly solicited. Should the Examiner believe a telephone discussion would assist in clarifying any issues or assist in finalizing the subject reexamination proceeding, he is welcome to contact Applicants' undersigned counsel.

Respectfully submitted,

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